

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Baltimore Division)**

FILED
DISTRICT COURT
2019 JAN 09 PM 5:40
CLERK'S OFFICE
AT BALTIMORE
DEPUTY

CAPITAL FINANCE, LLC

Plaintiff,

v.

OSCAR ROSENBERG, et al.,

Defendants.

Civil Action No. 1:17-cv-02107-RDB

PLAINTIFF'S EXHIBIT LIST FOR TRIAL

<u>Exhibit No.</u>	<u>Identification</u>	<u>Admitted</u>	<u>Description</u>
PLAINTIFF'S DESIGNATED EXHIBITS			
1.	JAN 09 2019	JAN 09 2019	Credit Agreement and Amendments [CAPFI-000001 – CAPFI-000163]
2.			Revolving Loan Note and Amendments [CAPFI-000164 – CAPFI-000186]
3.	JAN 09 2019	JAN 09 2019	Neuman Guaranty [CAPFI-000187 – CAPFI-000195]
4.	JAN 09 2019	JAN 09 2019	Rosenberg Guaranty [CAPFI-000196 – CAPFI-000204]
5.	JAN 09 2019	JAN 09 2019	Letter re Default and Termination of Credit Facility 12.12.16 [CAPFI-000205 – CAPFI-000207]
6.	JAN 09 2019	JAN 09 2019	Demand Letters to Guarantors 6.8.17 Def. Deposition Exhibit 4 [CAPFI-000208 – CAPFI-000209]
7.	JAN 09 2019	JAN 09 2019	Email from D. Shimanowitz dated 12.5.16 at 1:00 p.m. Re: Concord BBC [CAPFI-000378 – CAPFI-000381]
8.			Email from D. Shimanowitz dated 12.5.16 at 2:25 p.m. re Concord BBC and attachments thereto [CAPFI-000382 – CAPFI-000392]

<u>Exhibit No.</u>	<u>Identification</u>	<u>Admitted</u>	<u>Description</u>
9.	JAN 10 2019	JAN 10 2019	Email Chain from J. Stein dated 12.5.16 at 3:18 p.m. Re: Concord BBC Deft. Deposition Exhibit 9 [CAPFI-000219 – CAPFI-000223]
10.			Email Chain between J. Stein and D. Shimanowtiz, et al. Re: Concord BBC dated 12.6.16 Deft. Deposition Exhibit 9 [CAPFI-000224]
11.			Email Chain between J. Stein and J. Perrell Re: Concord BBC dated 12.6.16 Deft. Deposition Exhibit 10 [CAPFI-000226 – CAPFI-000227]
12.			Email Chain from J. Stein to J. Neuman Re: Concord BBC dated 12.9.16 [CAPFI 000235 – CAPFI 000236]
13.	JAN 09 2019	JAN 09 2019	Email Chain from J. Neuman to J. Stein Re: Midwest TX Realty LLC dated 12.11.16 [CAPFI 000237 – CAPFI 000238]
14.	JAN 09 2019	JAN 09 2019	Email from J. Neuman to J. Stein dated 1.26.17 Deft. Deposition Exhibit 11 [CAPFI-000267 – CAPFI-000268]
15.	JAN 09 2019	JAN 09 2019	Borrowing Base Certificates dated 11.28.16 through 12.8.16 [CAPFI-000320 – CAPFI-00324 and Exhibit G to Complaint]
16.	JAN 09 2019	JAN 09 2019	Borrowing Base Certificates dated 7.26.16 to 9.30.16 [CAPFI-000325 – CAPFI-00345]
17.	JAN 09 2019	JAN 09 2019	Breslin, Young & Slaughter, LLC – Examination Report and attachments [CAPFI-000408 – CAPFI-000420]
18.	JAN 08 2019	JAN 09 2019	B. Young analysis of IGT and Medicare Payments and exhibits thereto [CAPFI-000438 – CAPFI-000477]
19.	JAN 10 2019	JAN 10 2019	941 for 2016: Mesa Hills Specialty Hospital – 3Q [Deft. Deposition Exhibit 12; DEF05500-DEF05502]
20.		JAN 10 2019	941 for 2016: Mesa Hills Specialty Hospital – 4Q [Deft. Deposition Exhibit 13; DEF05459 – DEF05463]
21.			Concord Healthcare Group Provider Tax Analysis prepared by Breslin, Young and Slaughter, LLC [Deft. Deposition Exhibit 14]
22.	JAN 09 2019	JAN 09 2019	Email from K. Nolting to P. Barr, et al. Re: Plum Creek Healthcare – UPL Funds [Deft. Deposition Exhibit 17]

<u>Exhibit No.</u>	<u>Identification</u>	<u>Admitted</u>	<u>Description</u>
23.	JAN 09 2019	JAN-10 2019	Outstanding Amounts Due Calculation of Capital Finance [Stein Deposition Exhibits 9 – 13]
24.	JAN 09 2019	JAN 09 2019	Blocked Account Agreement [CAPFI-000286 – CAPFI 000302]
25.	JAN 09 2019	JAN 09 2019	Email chain between B. Young and M. Weisz [CAPFI-000306 – CAPFI-000311]
PLAINTIFF'S POTENTIAL EXHIBITS			
26.			Declaration of Jeffrey Sax in 1621 Coit Road Realty, LLC, et al. v Midwest TX Realty, LLC, et al. (Case No. 16-03337, N.D.TX) and exhibits thereto [CAPFI-000279 – CAPFI-000319]
27.			B. Young notes from Call with M. Weisz [CAPFI-000434 – CAPFI-000437]
28.			Borrowing Base Certificates dated January 2016 to June 2016 [CAPFI-000346 – CAPFI-000377]
29.	JAN 09 2019	JAN 09 2019	Letter from Capital Finance to Borrowers dated 1.26.17 [Deft. Deposition Exhibit 3]
30.			Plum Creek - Banco Popular Bank Statement 1.25.17 [CAPFI-000262]
31.			Plum Creek – JPMorgan Chase Payment Detail Reports [CAPFI-000269 – CAPFI-000278]
32.			Childress County Hospital – JPMorgan Chase Bank Statement 12.30.2016 [CAPFI-000263 – CAPFI-000266]
33.			Email chain between K. Latimer to B. Young Re: Childress hospital/PlumCreek UPL chase account [CAPFI-000393 – CAPFI-000397]
34.			Email chain between B. Zimmermann and B. Young Re: Concord – Plano Provider Taxes and attachments thereto [CAPFI-000398 – CAPFI-00407]
35.			Plano Healthcare and Mesa Hills Healthcare JPMorgan Chase Bank Account Statements – December 2016 and January 2017 [CAPFI-000421 – CAPFI-000433]
36.			Email from L. Barson to P. Barr, et al. Re: Plum Creek - UPL Funds [Deft. Deposition Exhibit 17]
37.			Order from N.D. Tex. Dated 12.12.16 [Deft. Deposition Exhibit 17]
38.			Order from N.D. Tex. Dated 10.23.17 [Deft. Deposition Exhibit 17]

<u>Exhibit No.</u>	<u>Identification</u>	<u>Admitted</u>	<u>Description</u>
39.			Capital Finance's Memorandum in Support of its Motion for Order to Show Cause Why Defendants Should Not Be Held in Contempt [Deft. Deposition Exhibit 17]
40.			Plaintiff's First Set of Requests for Admission to Rosenberg
41.			Plaintiff's First Set of Requests for Admission to Neuman
42.			Plaintiff's First Set of Interrogatories to Rosenberg
43.			Plaintiff's First Set of Interrogatories to Neuman
44.			Plaintiff's First Set of Request for Production of Documents to Neuman
45.			Plaintiff's First Set of Request For Production of Documents to Rosenberg
46.			Neuman's Objections & Answers to Plaintiffs 1st ROGS-C1
47.			Rosenberg's Objections & Answers to Plaintiff's 1st ROGS-C1
48.			Rosenberg's Supplemental Objections and Answers to Plaintiff's Interrogatories
49.	JAN 10 2019	JAN 11 2019	Neuman's Supplemental Objections and Answers to Plaintiff's Interrogatories
50.			Rosenberg's Objections and Answers to Plaintiff's Requests for Admission
51.			Neuman's Objections and Answers to Plaintiff's Requests for Admission
52.			Rosenberg's Objections and Answers to Plaintiff's Requests for Production
53.			Neuman's Objections and Answers to Plaintiff's Requests for Production
54.			Complaint for Confession of Judgment and exhibits thereto [Deft. Deposition Exhibit 5]
55.			Amended Complaint [Stein Deposition Exhibit 2]
56.			Deposition Transcript of Josef Neuman dated 10.30.2018 and exhibits thereto
57.	JAN 10 2019		Deposition Transcript of Oscar Rosenberg dated 10.30.2018 and exhibits thereto
58.			Deposition Transcript of Jeffrey Stein dated 10.29.2018 and exhibits thereto
59.			Deposition Transcript of Brian Young dated 11.30.2018 and exhibits thereto

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60.	JAN 10 2019	JAN 10 2019	Miles & Stockbridge Invoices December 2016 through March 2017 [CAPFI-000580 – CAPFI-000592]
61.			Katten Muchin Rosenman – Capital Finance Invoices January 2017 through December 2018 [CAPFI-000478 – CAPFI-000579]
62.			Husch Blackwell Invoices January 2017 through January 2018 [CAPFI-000593 – CAPFI 000630]
63.			Documents Produced by Capital Finance in this action
64.			Documents Produced by Defendants in this action
65.			Any exhibits offered by Defendants

Respectfully submitted,

KATTEN MUCHIN ROSENMAN LLP

By: /s/ William Dorsey
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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that, on this 8th day of January 2018, a true and correct copy of the foregoing was served via the Court's electronic filing system on all counsel of record.

/s/ Joseph F. Fiorill

Joseph F. Fiorill